

HARTSOUGH KENNY CHASE & SULLIVAN

3812 Quakerbridge Road
Hamilton, New Jersey 08619
609.588.9800

Attorneys for Plaintiff, Lawrence Boyle

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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LAWRENCE BOYLE,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
VS.	:	
	:	
CITY OF PHILADELPHIA FIRE DEPARTMENT	:	
and CITY OF PHILADELPHIA,	:	CIVIL NO:
	:	
Defendants.	:	COMPLAINT AND JURY DEMAND
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Plaintiff, Lawrence Boyle ("Boyle"), who resides at 9204 Rising Sun Avenue, Philadelphia, Pennsylvania 19115, by way of complaint against defendants, City of Philadelphia Fire Department and City of Philadelphia ("the Department"), alleges the following:

FACTUAL BACKGROUND

1. Boyle is a nineteen-year veteran of the Department. His current rank is Fire Captain. He is white.
2. In January of 2013, Boyle sought promotion through the civil-service process to the position of Fire Battalion Chief.
3. Boyle took the required examination for Fire Battalion Chief; however, his results have never been released, and he has in fact been removed from the civil-service list.
4. As a direct result of the actions of the Department, Boyle has not received promotion to Fire Battalion Chief.

5. Boyle maintains that black candidates have been promoted to Fire Battalion Chief instead of him, even though their examination scores and civil-service rankings may have been in many cases lower than his. These promotions are predicated on the race of the candidate.

6. The jurisdiction of this Court is under 28 U.S.C. §1331 inasmuch as Boyle is alleging racial discrimination in violation of federal statutory and constitutional law.

COUNT I FOR RACIAL DISCRIMINATION

Title VII of the Civil Rights Act of 1964

1. Plaintiff, Lawrence Boyle, incorporates all of the allegations as if set forth in the Factual Background as if set forth at length in this Count.

2. Boyle took the civil-service-promotional examination for the position of Fire Battalion Chief in January, 2013. He was never apprised of his results, and he was arbitrarily removed from the civil-service list.

3. Boyle maintains that the administration of the civil-service-promotional examination was racially discriminatory inasmuch as he as a white candidate was treated less favorably than black candidates for precisely the same position.

4. Boyle further alleges that promotions for the position of Fire Battalion Chief were based on race and systematically favored black candidates over better-qualified white candidates. Boyle was one of the white candidates denied promotion because of his race.

5. As a direct consequence of the racial discrimination on the part of the Department and the City of Philadelphia, Boyle has suffered economic losses due to the fact that he was not promoted based on his race.

6. The conduct of the Department and the City of Philadelphia constitutes racial discrimination in plain violation of Title VII in the Civil Rights Act of 1964.

WHEREFORE, plaintiff, Lawrence Boyle, requests damages against defendants, the City of Philadelphia Fire Department and the City of Philadelphia, immediate promotion to Fire Battalion Chief in conformity with his performance on the civil-service-promotional examination, and counsel fees and such other relief that the Court deems just.

COUNT II FOR RACIAL DISCRIMINATION

Fourteenth Amendment to the United States Constitution

1. Plaintiff, Lawrence Boyle, incorporates all of the allegations as if set forth in the Factual Background and Count I as if set forth at length in this Count.
2. Boyle took the civil-service-promotional examination for the position of Fire Battalion Chief in January, 2013. He was never apprised of his results, and he was arbitrarily removed from the civil-service list.
3. Boyle maintains that the administration of the civil-service-promotional examination was racially discriminatory inasmuch as he as a white candidate was treated less favorably than black candidates for precisely the same position.
4. Boyle further alleges that promotions for the position of Fire Battalion Chief were based on race and systematically favored black candidates over better-qualified white candidates. Boyle was one of the white candidates denied promotion because of his race.
5. As a direct consequence of the racial discrimination on the part of the Department and the City of Philadelphia, Boyle has suffered economic losses due to the fact that he was not promoted based on his race.
6. The conduct of the Department and the City of Philadelphia constitutes racial discrimination in plain violation of the Fourteenth Amendment to the United States Constitution.

WHEREFORE, plaintiff, Lawrence Boyle, requests damages against defendants, the City of Philadelphia Fire Department and the City of Philadelphia, immediate promotion to Fire Battalion Chief in conformity with his performance on the civil-service-promotional examination, and counsel fees and such other relief that the Court deems just.

JURY DEMAND

Plaintiff, Lawrence Boyle, hereby demands a trial by jury as to all issues.

HARTSOUGH KENNY CHASE & SULLIVAN

By: 

Gregory J. Sullivan, Esquire

Dated: September 16, 2013